



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,504	02/25/2004	Taku Imajo	2418.67US01	4314

7590 03/18/2005

Douglas J. Christensen
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2100

EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
----------	--------------

3612

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,504

Applicant(s)

IMAJO ET AL.

Examiner

Patricia L Engle

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 6-12 and 21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19,20,22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

43

DETAILED ACTION

Election/Restrictions

1. Claims 6-12 and 21 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on January 19, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Seibold (US Patent 6,113,191).

Regarding claim 1, Seibold discloses a retractable seat, comprising: a seat cushion (36); a seat back (32) rotatably supported on the seat cushion; a link mechanism for supporting the seat cushion on a floor, the link mechanism including a front leg (38) and a rear leg (44) that are pivotally connected to the seat cushion and the floor, so that the seat can be switched between a use condition (Fig. 3A) and a retracted condition (Fig. 3C); and a restraint mechanism (112) provided on the floor for preventing the link mechanism (44) from moving when the seat is in a use condition.

Regarding claim 2, Seibold discloses that the link mechanism moves in the forward and rearward directions (Figs. 3A-3C), and the seat is switched to a retracted position when the link mechanism is moved rearwardly (Fig. 3C).

Regarding claims 3 and 5, Seibold discloses that the restraint mechanism (112,34) includes a support mechanism for supporting the rear leg (44) when the seat is in the in use condition (Fig. 3A), the leg (44), the support mechanism (34) and the floor substantially form a triangle (Fig. 3A).

Regarding claim 4, Seibold discloses that the support mechanism comprises a support member (34) that is separated from the leg to be supported thereby (Fig. 3A).

Regarding claim 17, Seibold discloses that the seat is a rear seat.

4. Claims 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Schambre et al. (US Patent 6,601,901).

Schambre discloses a retractable seat, comprising: a seat cushion (14); a seat back (12) rotatably supported on the seat cushion; a link mechanism for supporting the seat cushion on a floor, the link mechanism including a front leg (26,28) and a rear leg (16,18) that are pivotally connected to the seat cushion and the floor, so that the seat can be switched between a use condition (Fig. 3F) and a retracted condition (Fig. 3A); and a drive mechanism (36,34) for moving the front and the rear leg, the drive mechanism (36,34) including a reciprocal operating member (34), and a first connection member (22) that interconnects one of the front and the rear leg (16,18) and the reciprocable operating member (34).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seibold.

Regarding claim 16, Seibold does not disclose that the vehicle includes a recess for receiving the seat. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a recess in the vehicle floor for receiving the seat. The motivation would have been to provide a flat cargo surface when the seat is retracted.

Allowable Subject Matter

8. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3612

9. Claims 19, 20, 22 and 23 are allowed.

Conclusion

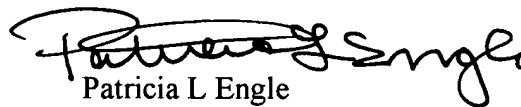
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777.

The examiner can normally be reached on Monday - Friday from 8:00 to 4:30. After April 5, the Examiner can be reached at 571-272-6660.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Primary Examiner
Art Unit 3612

ple
March 14, 2005